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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**FILED/ACCEPTED**  
**APR 17 2007**  
Federal Communications Commission  
Office of the Secretary

In the Matter of	)	
	)	
<b>COMMERCIAL RADIO SERVICE, INC.</b>	)	<b>EB DOCKET NO. 06-168</b>
	)	
Licensee of Private Land Mobile Stations	)	File No. EB-06-IH-1362
WNDS861, Reelsville, Indiana; WNIL729,	)	
Paxton, Indiana; WPCJ772, West Terre Haute,	)	NAL Acct. No. 200632080166
Indiana; and WPNU312 Greencastle,	)	
Indiana/West Terre Haute, Indiana	)	
	)	
Licensee of Commercial Land Mobile Station	)	
WNGE348, West Terre Haute, Indiana	)	
	)	
<b>TIMOTHY M. DOTY</b>	)	
	)	
Licensee of General Radiotelephone Operator	)	
License PG1814366; and Amateur Radio	)	
Operator and Licensee of Amateur Radio	)	
Station WB9MDC, West Terre Haute, Indiana	)	
	)	
To: Administrative Law Judge		
Arthur I. Steinberg		

**JOINT MOTION**  
**TO**  
**ACCEPT SETTLEMENT AGREEMENT UNDER SEAL**

1. The Enforcement Bureau, Commercial Radio Service, Inc., and Timothy M. Doty (collectively, the "Parties"), hereby jointly request that the attached Settlement Agreement be accepted for filing under seal and that the Settlement Agreement remain under seal until such time as it is approved by the Presiding Judge in this proceeding.
  
2. The Parties are simultaneously filing herewith a Joint Request for Approval of Settlement Agreement ("Joint Request"). The Joint Request sets forth the justifications why the public interest would be served by adoption of the instant Settlement Agreement.

3. The Settlement Agreement contains terms, conditions, and representations which will only become effective if and when the Settlement Agreement is approved by the Presiding Judge. The Parties believe that disclosure of such terms, conditions, and representations to the general public before the Settlement Agreement has become effective could prejudice the captioned-licensees in the event, albeit unlikely, that the Settlement Agreement is ultimately disapproved by the Presiding Judge and this case returns to hearing status.

4. It is well established that the Presiding Administrative Law Judge has broad discretion to provide for the proper conduct of the hearing, to protect parties, and to take such other actions which would be conducive to the efficient and expeditious management of the proceeding.<sup>1</sup> In this regard, the Parties believe that accepting the subject Settlement Agreement under seal and releasing it at such time that it becomes effective will strike an appropriate balance between protecting the interests of the captioned licensees and those of the public in an open, evidentiary hearing.

5. Accordingly, the Parties respectfully request the Presiding Judge to accept the attached Settlement Agreement under seal and to release it, if at all, **as** an attachment to his order approving the Settlement Agreement. Commercial Radio Service, Inc. and Timothy M. Doty, by their respective counsel, represent that they have read this Joint

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<sup>1</sup> See, e.g., Section 1.313 of the Commission's Rules, 47 C.F.R. § 1.313

Motion To Accept Settlement Agreement Under Seal, concur with the representations therein, and have authorized the undersigned to file this Motion on their behalf

Respectfully submitted,  
Kris Anne Monteith  
Chief, Enforcement Bureau



Gary Sckonman  
Special Counsel, Investigations and Hearings Division



William Knowles-Kellett  
Attorney, Investigations and Hearings Division

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

April 17, 2007

## Attachment

Note:

The Joint Motion to Accept Settlement Agreement Under Seal served on the Presiding Judge and parties to this proceeding includes a copy of the proposed Settlement Agreement.

The Joint Motion to Accept Settlement Agreement Under Seal filed with the Office of the Secretary intentionally does not include a copy of the proposed Settlement Agreement.

**CERTIFICATE OF SERVICE**

Barbara Britt, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 17<sup>th</sup> day of April 2007, sent by first class United States mail copies of the foregoing "Joint Motion to Accept Settlement Agreement Under Seal" to:

Elizabeth R. Sachs, Esq.  
Russell D. Lukas, **Esq.**  
Lukas, Nace, Gutierrez & Sachs, Chartered  
1650 Tysons Boulevard, Suite 1500  
McLean, Virginia 22102  
Counsel for Commercial Radio Service, Inc.

David J. Kaufman, Esq.  
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1301 Connecticut Avenue, N.W., Suite 450  
Washington, DC 20036  
Counsel for Timothy M. Doty

Administrative Law Judge Arthur I. Steinberg\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C861  
Washington, D.C. 20054

  
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Barbara Britt

\* Hand-Delivered